



City of Carmel

CARMEL PLAN COMMISSION SPECIAL STUDIES COMMITTEE THURSDAY, SEPTEMBER 9, 2004

(Revised 8-30-04)

Minutes

COMMITTEE MEMEBERS PRESENT

Jerry Chomanczuk; Wayne Haney; Mark Rattermann; Madeleine Torres

Department of Community Services:

Jon Dobosiewicz, John Molitor, Legal Counsel

The Special Studies Committee considered the following items:

1. Docket No. 04050028 DP/ADLS: Walnut Creek Marketplace (now known as West Carmel Marketplace) Development Plan and ADLS

The applicant proposes a retail center. The site is located northeast of 99th Street and Michigan Rd/US 421. The site is zoned B-3/Business and B-2/Business within the US Highway 421 Overlay.

Filed by Mary Solada of Bingham McHale for Duke Realty.

Mary Solada, attorney, Bingham, McHale; Cindy Schembre, Retail Operations, Duke Realty; Brent Davis, CSO Architects; Steve Fehribach, A & F Engineering

Herewith a short review of the project, three topics covered. The first topic relates to commitments made by the petitioner as they relate to the neighborhood associations. Secondly, questions have been raised regarding architectural features of this project—Brent Davis of CSO Architects will address those questions, although the petitioner views the proposed design as consistent with the Georgian style of architecture. The third topic will recap a conversation regarding access to the site. It is the petitioner's view that it is essential that the Commission support and make sure that the BZA understands that the Commission is supportive of the variance the petitioner is seeking to permit a curb cut and ultimately, a traffic signal at 99th Street.

The Commitments address: signage; the architectural theme as per plans; the landscape plan as submitted under date of today, September 9, 2004 as the plan relates to Spring Arbor and the south property line, (North Augusta.) The Commitments also get into the specifics with types of

plantings, etc. related to each HOA. The Commitments also indicate a return to the Commission for a variance regarding a curb cut—the petitioner will limit access to this project in terms of not opening the curb cut at 99th Street until approval is obtained for Block G to the south of the project. Additionally, Duke will pay for whatever roadway improvements to Michigan Road are required both by Carmel as well as INDOT, likely in the form of medians installed extending south almost to 96th Street.

Brent Davis, CSO Architects, addressed the Committee in response to a letter written by Mr. Brian Shapiro who questioned the design and whether it is a proper application of the Georgian style. The letter from Mr. Shapiro was insulting personally and corporately. The structure displays Georgian style and picks up the main features of the Georgian/Federal/Greek Revival or Italianate style. The features are usually two-story, belt course around the second floor, cornice, fascia and frieze with medallion details, massive columns, flattened columns, and/or pilasters. The windows are multi-paned, balustrades and cornices, and gables or hip roofs with dormers. All of these elements pertain to homes or mansions, not 165,000 square foot retail centers. Mr. Davis referred to the first paragraph (23) of the Ordinance—new buildings are not required to be imitative, but must incorporate the salient features of the style. Mr. Davis further elaborated on the proposed design and its features. Revisions will be submitted to the Department well in advance of the September 21, 2004 Plan Commission meeting.

Mary Solada summarized the issue regarding access and the request for a curb cut and ultimately a traffic signal at 99th Street, subject to INDOT final approval. There was confusion as to whether or not Mayflower Parkway is a private street or public street. Ms. Solada distributed a copy of the recorded plat from the year 2000 that refers to a “grant of rights of the public to use Mayflower Drive—it is not really a grant of right-of-way but akin to an easement. This is significant because the City could easily, legally require that this remain open as a public way if the owners ever tried to block the way or somehow refuse the public access.

The traffic report by A & F Engineering and John Myers’ examination of that report confirms that the proposal by Duke will enhance the street network by helping to construct and implement the Thoroughfare Plan. The Thoroughfare Plan provides for the extension of Commerce Drive and 96th Street, from 99th and looping around from 99th back to Mayflower Drive. No negative situation is being created by seeking the variance for the curb cut—this is an improvement or enhancement to the street network.

Steve Fehribach, traffic engineer, A & F Engineering, addressed the Committee and further explained that by adding the curb cut and a traffic signal, a by-pass or cut-through is essentially created for 96th and Michigan Road. People on 96th Street west of Michigan Road can then use Mayflower Drive, access 99th Street, then continue north on Michigan Road. Likewise, people that want to go west on 99th Street can go south on Michigan Road, turn right at 99th Street, access Mayflower Drive and turn right onto 96th Street. What this means is that between Mayflower Drive and Michigan Road, the vehicles will no longer be there and likewise, at the intersection—this means more capacity for everyone else. Potentially, at AM and PM peak hours combined, 110 vehicles could be removed from this intersection. High range, 222 vehicles

could be removed from this intersection. With the access and intersection, another route is being provided for vehicles to maneuver around the 96th and Michigan Road intersection. The signal will be approximately 780 feet away from the Retail Parkway signal. Signal timing coordination can be utilized. The State would then require an inter-connection of 106th Street, Retail Parkway, 99th Street and 96th Street so that “bandwidth” could be produced—in other words, the vehicles would hit the green light and get through the intersection. To recap, the signal will not hurt—it can be timed to allow cars to continue to move along Michigan Road and Retail Parkway would have to hold some cars. The goal is to keep traffic moving on Michigan Road. What helps is that it removes vehicles from 96th Street and Michigan Road and delivers them from that segment between Mayflower Parkway and 96th Street, thus increasing the capacity for the intersection.

Cindy Schembre of Duke Realty addressed the Committee and explained how the roadway improvements would be funded. Duke is willing to commit to guarantee a “TIF” that would provide the monies to pay for the road network. Duke’s ability to do that depends on the tenants for the project and the tax generated. The curb cut and traffic signal, the tenants and revenue, all are tied together. The issue of the annexation also plays a part in this. The County TIF goes away if there is no obligation being worked on at the time the annexation occurs. In view of the benefits to the Thoroughfare Plan, extending Commerce Drive to 96th Street, improving 96th Street to Carmel standards, and improvements at 96th and Michigan Road, compared with what inconvenience may be out there—the benefits far outweigh the inconvenience. Duke is asking the Commission to make a decision that would support a curb cut if the BZA agrees.

Mary Solada stated that in terms of the neighborhood issues, Duke has provided material concessions to protect land values for the neighbors. Duke has gone above and beyond any Ordinance requirements regarding Ashbrook, Spring Arbor and North Augusta. The plantings are generous and acceptable and most importantly, also create a setback of ten times in some places what the Ordinance requires. Some variances have been requested, but those are justifiable. The community will benefit from the fact that this proposal will bring tenants to Carmel. The tenants are long-term players in the community—national booksellers, national apparel sellers, national pet store enterprises—ventures that are not here today, gone tomorrow, but ventures that will be signing long term leases with Duke in this particular structure.

Lastly, the other benefit of this project is that not only will it implement the City Thoroughfare Plan, it will do so through a TIF that will cost the taxpayers nothing. At this time, the petitioner is asking for a vote to move this item from Committee to the full Commission at its meeting on September 21, 2004.

***Note: The Public Hearing Remains Open on this Docket**

Public Comments:

Amber Carson-Crane, 3722 West 98th Street, directly adjacent to development. Requests earthen berm for safety/protection for neighborhood; ok to eliminate fences around the ponds; request Duke bear responsibility for wells in the neighborhood if they should dry up within the

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next three (3) years.

Charlie Bunes, 3802 Lattice Court, Spring Arbor Subdivision, agreed with comments made by the previous speaker. Mr. Bunes just wanted to confirm that Spring Arbor has an understanding with the petitioner and would like that in writing.

Marilyn Anderson, 3884 Shelborne Court, Carmel--Ms. Anderson's main concern is traffic. The street into the Mayflower complex does not really look like a street—it runs by the right of a building and into a parking lot; it is unclear that it is a street.

Department Comments, Jon Dobosiewicz. Regarding the request for access, the Dept is in support of Duke's request for the traffic signal. The signal and the traffic has been discussed with John Myers and it is the belief of the Department that the benefits caused by the construction of Commerce Drive and improvements to 96th Street far outweigh any possible negative impact. The State agrees that the critical point (intersection) is 96th and Michigan Road. We do not want to jeopardize improvements to Commerce Drive and 96th Street that would significantly reduce congestion at 96th and Michigan Road. The Department would support the request for two signals at this time. Beyond that, the preference would be a signal at 99th Street across from the Mayflower Park Drive. The Department has also talked with Jamie Browning of Browning Investments and he is in support of the signal at 99th Street.

Mark Rattermann was complimentary of the buildings; 99th Street appears to be a legal, public, dedicated easement, but he could not be sure. Mr. Rattermann asked John Molitor for an opinion on the dedication of the street right-of-way—is it public or private, is there an easement or a prescriptive easement? Mr. Rattermann would also like proof that the City will not have to condemn to pick up the right-of-way. Hopefully this will be clarified prior to the September 21 meeting of the Commission. Perhaps Jamie Browning could clarify the situation.

Madeleine Torres asked who would be responsible for Mayflower Drive.

Jamie Browning, Browning Investments; offered clarification of the status of 99th Street—that section of road servicing the old Mayflower development is slated for repair. The 99th Street portion is private, but REI made application to the State to have a stoplight at 99th Street—application declined. With the anticipated annexation into Carmel City limits, Browning would dedicate the road to close the gap.

Mary Solada referred to the recorded plat with language regarding dedication for the road. Ms. Solada commented that copies of the commitments had been distributed to the adjacent subdivisions—Steve VanSoelen, Frank Macri, Ms. Carson, perhaps.

Jon Dobosiewicz commented that the road is in fact a publicly dedicated easement that is required to be maintained—the County Commissioners signed the plat. The whole issue is one of connectivity.

Madeleine Torres made formal motion to forward Docket No. 04050028 DP/ADLS, Walnut Creek Marketplace (now known as West Carmel Marketplace) Development Plan and ADLS to the full Commission on September 21, 2004 with a favorable recommendation, **conditioned upon** a legal opinion from John Molitor regarding the right-of-way, seconded by Wayne Haney. The vote was 3 in favor one opposed (Mark Rattermann) Motion Approved.

2. Docket Nos. 04060035 OA and 04060036 Z: Village of WestClay

The applicant seeks to amend their PUD ordinance. The applicant also seeks to Rezone 30 acres from S-1/Residence-Estate to PUD-Planned Unit Development. The site is located at 131st St and Towne Rd.

Filed by Brandon Burke of The Schneider Corp, for Brenwick Development Co.

David Warshauer, attorney with Barnes & Thornburg, 11 South Meridian Street, Indianapolis appeared before the Committee representing the petitioner. Also present: George Sweet and Tom Huston, principals of Brenwick Development Co.; Keith Lash, Vice President of Operations for Brenwick; John Mosley, architect; Jennifer Pearz, Edwards & Kelsey traffic consulting; Bruce Russell, St. Andrews Consultants Senior Housing; Wendy Horn, Consultant; Dan Rosenthal, architect; Bill Leghorst of “Broccoli Bill’s.”

David Warshauer summarized the petitioner’s request as a text amendment to the existing WestClay PUD, and a rezone of approximately 30 acres on the northwest corner of Towne Road and 131st Street. The 30 acres would be added to the Village of WestClay as peripheral retail area and would include both retail development at the corner of 131st and Towne and 35 platted lots for the types of homes currently seen in the south section of the Village.

The petitioner is also requesting changes to the Ordinance to permit the development of a senior housing component at the corner of Towne Road and 126th Street—a new sub-area within the Village called “Primary Area S.H.” (senior housing.) There are a number of other changes in the Ordinance that reflect certain technical and design changes. A synopsis of each of the changes by subject matter was provided to the Department and Commission/Committee members. There are also certain scrivener’s errors that have been cleaned up as well.

The Ordinance and the Development Plan for the Village of WestClay work hand-in-hand. The Ordinance controls the buildings as well as the land use and the plan and ensures the three-dimensional reality of the finished product fulfills the concept presented.

Dave Warshauer gave a brief history of the Village of WestClay, proposed in 1998. At that time, a very detailed analysis was presented as to why the Village concept would work and how it met and furthered the goals of the Comprehensive Plan. There were two issues prevalent: traffic and feasibility. At that time, western Clay Township was in the jurisdiction of Hamilton County and Hamilton County had turned its back on western Clay Township in terms of traffic improvements. Today, a number of the contemplated roadway improvements have already been completed. As far as feasibility, a number of people said that this concept would not work—no one would want the small lots, etc. The demand for the Village housing has far exceeded the

expectations as to the price range and the small lots.

The current proposal for peripheral retail does not detract from the Village center but is viewed as an enhancement. Most of the uses permitted in the retail area are already permitted in the Village Center, but there are certain issues regarding space or design that make them impractical for that area. The only drive-through permitted in the Village center is for a bank. The architecture design for a bank drive-through would detract from the period design of the center—late 19th century, Indiana small town. The concept for the retail area is based on how an Indiana town would evolve over a period of time and grow outward in its boundaries and architectural changes. The architecture would be art deco or art modern and would permit larger retail facilities than could exist comfortably in the Village Center and would enhance the Village Center. Drive through banks would be permitted as well as a variety of uses that would be permitted in the Village Center but not as practical as they would be at this corner.

Shortly after the City Council adopted the Village of WestClay PUD, the Plan Commission recommended and adopted the Residential Open Space Ordinance that encouraged open space in the community and did so by awarding “density bonuses.” The average density of subdivisions that have been approved in western Clay Township since the inception of the Village of WestClay is somewhere between 1.3 and 1.5 dwelling units per acre.

The second major use component is the Senior Housing facility. The United States is undergoing a great, demographic shift. There are a lot of aging Americans and one of the trends being set is in connection with the types of housing facilities available to persons as they get older. Large retirement facilities such as those seen in Arizona and Florida are being built in all parts of the country. People want to age in the community in which they live, adult children want their parents close by—there are a lot of reasons why communities will need to provide effective, life-style communities for people as they age. In order to serve the baby-boom market, developers have gone to great lengths to develop luxury communities for seniors. The Senior Housing is a natural extension of the Village of WestClay.

Bruce Russell addressed the Committee on behalf of the Senior Housing component of the Village of WestClay. The proposed senior housing will be an up-scale community to serve not only the older residents here, but also residents that may not be here but their children are. The average age is significantly high—this is a lifestyle choice—and the project is very up-scale, high end to meet the kind of affluent community that is Carmel.

David Warshauer had further comments regarding the traffic and the voluminous studies that were done in 1998/99. Jennifer Pearz of Edwards & Kelsey, Traffic Engineers, studied traffic intersections again over this summer to determine what impact the Village has had on the area, and what impact the proposed changes would have on the traffic situation. The initial traffic studies did a pretty accurate job of predicting the impact of the Village of WestClay, not only the “background” development but all of the other development in western Clay Township. The report provides level of service analysis as to what intersections need to be improved. At the time of approval of the Village of WestClay, Brenwick made a number of commitments for

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infrastructure improvements; a list of those roadway improvements was identified in the original Edwards & Kelsey report as being desirable to maintain adequate levels of service in western Clay Township resulting from the impact of the traffic of the Village of WestClay. Roadway improvements were either to have been completed or a letter of credit equal to the estimated cost of the improvements deposited by Brenwick with the Department or the County when a certain number of acres of the Village were platted. At this time, a large number of the roadway improvements have already been accomplished. Currently, those improvements are now within the City of Carmel's long range plans as a result of its annexation into western Carmel and Clay Township. Plans are underway and timetables are being set to accomplish the improvements. The third commitment was the installation of a traffic signal on Spring Mill Road and 106th Street; this has not yet been completed and is still within the jurisdiction of the County. The commitments included significant traffic improvements and most all of those have been accomplished. The installation of a traffic signal at 106th and Ditch was a prior commitment—this is now a round about constructed by the City of Carmel. The last item was resurfacing 131st Street from Towne Road to US 31—a good portion of that was done by Brenwick in connection with the development of the Village of WestClay. More than resurfacing was done. There are curbs, landscape areas, a path; Brenwick expended quite a bit more than was required by commitment.

In summary, the original dollar amount totaled \$1.28 million; the cost estimates have been submitted for Towne Road and 126th Street—over one million dollars. A portion of the money has already been spent as provided in the commitments, and a substantial amount of committed and as yet, unspent dollars is remaining. There are dollars committed to projects that are already completed. Brenwick can fulfill its obligation by walking in and delivering a letter of credit to the City or County. However, as the commitments are written, the dollars are required to be spent on those improvements. Brenwick has been working with DOCS and Engineering to try to find a mechanism by which Brenwick's commitments can be applied to more priority needs in design, right-of-way acquisition, etc. for projects on the City's long range plans.

Dave Warshauer then address those items referred to in the Department Report.

***Note: The Public Hearing Remains Open on this Docket**

Public Comments/Unfavorable:

Maureen Pearson, representing **Vladimir Zukerman**, 13255 Roma Bend, (Lakes at Hayden Run) Carmel, read a letter of stated concerns regarding the proposal. The Lakes at Hayden Run neighborhood requests removal of the following, possible commercial uses such as gas station/service station; car wash; liquor store; fast food restaurant, with or without drive-through. Additional concerns are density, traffic, and appropriate/adequate buffer between residential and peripheral retail. The roads in the area are all narrow and sharing them with large fuel tankers and delivery trucks creates an unsafe condition for all those who currently must travel these roads—there are also schools in this area. If any commercial use is permitted, the residents ask that the hours of operation would be restricted to family friendly hours. There should also be

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written commitments to run with the land that can never be changed that the residential portion as a buffer will be built as private residences or left as green space. The fear is that the commercial buildings will go in first, then another request will be made to change the condominium section currently shown as a buffer to some type of business use. More buffering needs to be done.

Maureen Pearson, 3705 Sumter Way, Carmel stated that it is wholly inappropriate to take this residential corner and convert to business/commercial that will generate traffic, trash, and lighting from the drive-through facilities.

Marilyn Anderson, 3884 Shelborne Court, Carmel stated concern with density, commercial development, and traffic. Ms. Anderson said the intersection at 116th and Shelborne Road was reflected in the original traffic study, but it has disappeared from the current traffic study. Please include the intersection of 116th and Shelborne Road in the traffic study! The traffic study is confusing as to how it arrived at a reduction in traffic from the previous study. Ms. Anderson encouraged the Commission to hire its own traffic engineer to conduct a study with a current count.

If senior housing and condominiums are permitted, Brenwick should be required to make corresponding adjustments in green space to continue to meet the existing density cap. Ms. Anderson urged the Commission to require the senior housing block to be within an area already platted with the smallest lots, not in the primary area of single family, detached homes. The rezone for condominiums is also questioned near the already existing S-1 housing. At conception, the Village of WestClay maintained that it would contain the higher density uses within the center of their “doughnut;” this would minimize the visual impact. The senior housing residents may not drive, but the employees who provide services for this facility should be counted—it is a high employee per resident. There will be delivery trucks for this facility as well as visitors for the residents. The traffic count should reflect this situation.

Brian P. Baker, 2495 Durbin Drive, Crossfields Subdivision, Carmel, stated that approving this proposal would open the area for commercial development. Stated concerns: Preservation of rural character of the area; traffic; health and safety concerns with residential wells in the area if underground fuel tanks for gas stations are allowed; fast food restaurant facilities with drive through operations; overall density levels.

Mark Lushell, Laurel Lakes Subdivision, 12110 Ellingwood Drive, President of the HOA, expressed opposition to both proposals and agreed with previous speakers regarding density and traffic. Laurel Lakes is also opposed to the height of the Senior Housing Center. Mr. Lushell submitted a petition in opposition signed by residents of Laurel Lakes.

Dr. John A. Smith, 2885 West 131st Street, remonstrated against the original proposal for Village of West Clay and again at the August 17, 2004 meeting. Dr. Smith is concerned that this may now be a defensive strategy for buying the property on the northwest corner; also, this project is 47% complete and there still is a large section undeveloped (a bean field north of 131st Street).

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Street across from the Village.)

There was discussion regarding an additional, special meeting to accommodate Village of WestClay as well as item 4, North Meridian Medical Pavilion.

Docket Nos. 04060035 OA and 04060036 Z, Village of West Clay were scheduled for further review at an additional meeting to be held **Thursday, September 16, 2004 at 7:00** in the Caucus Rooms of City Hall, Carmel.

Mark Rattermann then made formal motion to place **Docket No. 04050053 DP/ADLS, North Meridian Medical Pavilion** on the Agenda for a special meeting of the Committee on **September 16, 2004**. If, for some reason, the petitioner does not appear at the meeting on September 16, the Committee will meet at **5:00 PM on September 21, 2004**, prior to the full Commission meeting. The motion was seconded by Madeleine Torres and approved 4-0.

3. Docket No. 04060033 DP/ADLS: 116th/Keystone Retail Shops

The applicant seeks approval for a retail/office building. The site is located at the northeast corner of 116th St. and Keystone Ave. The site is zoned B-3 within the US 431 Overlay Zone.

Filed by Steve Hardin of Bingham McHale for Eclipse Real Estate.

Steve Hardin, attorney, 970 Logan Street, Noblesville; Bryan Chandler and Drew Warner, Eclipse Real Estate; and Dan Schnerr, project engineer, Schneider Corporation.

Mr. Hardin submitted written commitments this evening—a product of meetings with the neighbors. The proposed fence will be constructed of masonry columns and wood; hours of retail operation will be limited as well as trash pick up—7 AM to 10 PM. As a result of meetings with the City Engineer, the petitioner will dedicate significant percentage of right-of-way to the City of Carmel. Currently there are two curb cuts; the plan is to close the western-most cut. The City Engineer suggests a right in-right out “porkchop” be installed to restrict the traffic and perhaps, eventually a median on 116th Street. In this case, the City Engineer thought a preferred solution would be to add a second, west-bound turn lane on 116th Street. The petitioner is in agreement with the City Engineer’s recommendations.

Department Comments, Jon Dobosiewicz: Other than the commitments received this evening, nothing has been changed since the original submission and the Department has no new information. Access is still a major issue. The Department requested written verification from the Engineering Dept. that the petitioner will satisfy access concerns on this site, including appropriate access for future, regardless of how it develops currently.

The Public Hearing remains open on this item and members of the public were invited to speak at this time.

Public Remonstrance/Opposed

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Sherry Adams, 3003 Silver Maple Court, corner of 116th & Keystone in “The Maples,” had submitted a letter that was read at public hearing. The proposed development may change the residents’ quality of life in a negative manner. Ms. Adams home is only a few feet away from the development that will bring drive-through noise, light intrusion, additional traffic, and will present health and safety issues. Ms. Adams stated that the proposed plans do not support the vision for a premiere, first class city. The proposed fence is flimsy; the garbage/trash pickup and air quality issue needs to be addressed. Rather than supporting 4 to 7 small businesses, this site could be an opportunity for green space. The east side of Keystone is all residential—Ms. Adams requested the Commission not approve this development.

Linda Meade, 3222 Crimson Court West, said the residents had not heard from the developer since the public hearing. There are two major issues connected with the development. Adding an additional traffic lane with the bicycle lane in existence would be extremely dangerous and would be a nightmare and hazardous situation. The drive through area will be five feet (5’) from the fence and potentially dangerous 20 feet from someone’s bedroom window.

Additional Department Comments: Jon Dobosiewicz asked for confirmation from the Engineering Department that the petitioner will satisfy their access concerns to this site. The Department would not suggest one method of access that would be different if there were no drive through facilities or four businesses at this location. The Department would like an exceptional level of access to this site. The Petitioner has not provided evidence that they have reached consensus with the Engineering Dept. that the appropriate method of access has been agreed upon and determined.

This item has been scheduled for BZA hearing on September 27th. It is likely that this item will not be out of Plan Commission by that time—it is typical that the Plan Commission would take final action on a proposal prior to hearing by the BZA for variances relevant to the request. It is the petitioner’s decision as to whether or not to table at the BZA level.

Mark Rattermann suggested that the petitioner submit a sketch of the businesses and traffic flow design. This site will be developed commercial, and it would be very inappropriate to suggest that nothing would be constructed at this location. Drive-through facilities are bothersome, the number of uses are substantial (4 businesses) and this is also bothersome. More than this, the access at this corner is a major, major issue.

Jerry Chomanczuk asked if there were any deed restrictions on the property that would prevent the property from being used in any other capacity. This site is a premiere location and will be developed commercially. The site plan shows three drive-through lanes—the bank is in the middle of the building, and Starbuck’s coffee.

Mr. Hardin responded that the drive-through will accommodate both the bank and Starbuck’s; the bank will be pneumatic tubes, the coffee is on the lane next to the building.

Jerry Chomanczuk reiterated his request for a report of traffic incidents at this intersection—it was assumed that since there was no report submitted, incidents at this location are high. There is a concern with the dumpster location, and will the trees on the northern perimeter be affected (cut down?)

Wayne Haney commented that in the future, if Keystone is depressed or raised, more frontage will be required at this location—also if a pedestrian bridge is installed. In addition, left in-left out is absolutely impossible! There are at least 50/60 cars at this intersection in the AM hours. There are still issues at this location that have not been addressed.

Madeleine Torres said the traffic concerns are legitimate. However, the proposed development is an improvement to this corner compared to the gas station previously at this location.

Mark Rattermann said that the bike lanes at this location are not the petitioner's doing—that was the Mayor's decision. Mark still wants to see drawings before any decision is made—there must be more information available. As far as the lowering or raising of Keystone—that is really far in the future.

Docket No. 04060033 DP/ADLS, 116th & Keystone Retail Shops was Tabled to October 5, 2004 Special Study Committee meeting at 7:00 PM, Caucus Rooms of City Hall.

4. Docket No. 04050053 DP/ADLS: North Meridian Medical Pavilion

The applicant seeks approval for a medical/office building. The site is located northwest of Old Meridian Street and Meridian Street (US 31). The site is zoned B-3 and B-6/Business, within the US 31 Overlay Zone.

Filed by Tom Eagley of Lauth Property Group.

TABLED to an Additional Meeting of the Special Study Committee on Thursday, September 16, 2004 at 7:00 PM or 5:00 PM on September 21st, in the Caucus Rooms of City Hall.

5. Docket No. 04080017 ADLS Amend: Kite Medical Office Complex, Phase 2

The applicant proposes a medical office building. The site is located northeast of 126th Street and US Highway 31, at the 13000 Block of N. Pennsylvania St. The site is zoned B-2/Business within the US 31 Overlay Zone.

Filed by Paul Reis of Drewry Simmons Vornehm, LLP for Kite Companies.

Paul Reis, attorney; Eric Strickland, Kite Companies; Greg Snelling, Civil Engineer with Woolpert & Assoc; Mark Monroe, Paul Reis' office.

The ADLS approval and Development Plan approval for the first phase of this site was obtained in May, 2004. The approval expired and the process is being re-instituted. The site is zoned B-2 and is within the US 31 Overlay Zone.

This particular site is approximately 6 acres and will consist of a three-story office building, approximately 95,000 square feet, and associated parking areas. The building materials are similar to the first phase—pre cast concrete panels with sandblast retarder finishes, green-tinted, insulated vision glass, spandrel glass, exterior insulation and black aluminum frames, and polished granite medallion stacks in the design.

The landscaping plan is essentially consistent with Phase I. The Technical Advisory Committee reviewed this development and the Urban Forester made some suggestions. The diversity of the plantings has been increased and three identified species have been removed. The style of lighting fixture as well as the photo-metric plan complies with the illumination levels required by the Overlay Ordinance.

Signage is primarily a ground sign and is consistent with a multi-tenant building complex. Finally, the building elevations show Phase I and Phase II; Phase II is obviously a mirror of Phase I that was previously approved in May.

Department Comments: Jon Dobosiewicz reported that previously, the Commission suspended its Rules of Procedure and approved Phase I because it was consistent with the plan that was previously approved. There will be a public hearing held September 21st wherein the petitioner will ask the Commission to again suspend its Rules of Procedure and approve the Development Plan for this site. The petitioner is actually responding to the State Highway improvements in modifying their site and pulling buildings and other improvements farther away from the originally proposed US 31 right-of-way. The Department is in support of this petition and recommends favorable consideration.

Mark Ratterman moved for approval of **Docket No. 04080017 ADLS Amend, Kite Medical Office Complex, Phase 2**, seconded by Madeleine Torres and approved 4-0.

6. Docket No. 04080012 ADLS Amend: Thrifty Car Rental

The applicant seeks approval for exterior building modifications and signage. The site is located at 582 S Range Line Rd. The site is zoned I-1/Industrial.
Filed by Phil Spink of Thrifty Car Rental.

Brad Meyer and Phil Spink appeared before the Commission representing the applicant. The color scheme and paint colors are proposed for change at 582 South Range Line Road. A computer-generated rendering was previously submitted, and the blue was somewhat overstated. A rendering was shown of the airport facility that is the same as the one on Range Line Road with the exception of the box sign with channel letters.

Brad Meyer referred to the Department Report that does not favor franchise architecture or color schemes, and asked for guidelines and direction on this proposal.

Department Comments. Jon Dobosiewicz reported that a petition will be presented to the Plan Commission next month to rezone Mohawk Plaza to the C-1 classification—with the support of
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the property owner. It would make no sense to rezone Mohawk Center and then support a request that would retrofit this building to allow this proposal. The current proposal will not be an issue if we “stick with what we have” (same color) and change the signage. It would be an issue if the next building over wanted to paint their building white with a big red canopy. If we are not viewing changes that are seen as positive, we will just stick with what we have on the building today and allow a signage change as opposed to the existing use. It is more a perception to the public.

Madeleine Torres commented that it is possible for a business to keep its identity and work within the City guidelines.

The petitioner agreed to paint the building a light gray color, (west coast gray) eliminate the blue band, and put a charcoal (dark gray) band where the red band is currently.

Typically, there will be no more than 10 rental cars stored on the lot at any given time. (Not parked on the grass)

The petitioner was agreeable to having the “Thrifty” illuminated and “Car Rental” in solid, pin-mounted letters to the building. The petitioner also agreed to paint the raceway a background color and provide a smaller, illuminated area.

Mark Rattermann moved for approval of **Docket No. 04080012 ADLS Amend, Thrifty Car Rental**, subject to modifications as agreed by petitioner, seconded by Madeleine Torres, Approved 4-0.

7. **Docket No. 04080011 ADLS Amend: Carey Addition, Lot 37 - Bluemingdeals**
The applicant seeks approval for a ground sign. The site is located at 301 S Range Line Rd. The site is zoned B-1/Business.
Filed by David Blue for Bluemingdeals.

David Blue and spouse appeared before the Committee representing the applicant. The petitioner installed a sign based upon false information from the property owner. The sign is contrary to the Carmel Sign Ordinance.

Mark Rattermann made formal motion to issue a temporary approval (six months from today) for the current signage for Bluemingdeals, **Docket No. 04080011 ADLS Amend, Carey Addition, Lot 37**. The six months time period will allow the petitioner time to work with the Department for some sort of resolution and bring the signage into compliance with the Ordinance. The **petitioner will return to Special Study Committee in March 2005** with a design alternative for the sign. The motion was seconded by Madeleine Torres, Approved 4-0.

8. **~~TABLED Docket No. 04080013 ADLS Amend:~~**
~~Mayflower Park, Blk 6, lot 2 - Ed Martin~~

~~The applicant seeks design approval for parking lot expansion. The site is located~~
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~~southwest of Michigan Road and 99th Street. The site is zoned I-1/Industrial and is within the US 421 Overlay~~

~~Filed by Mark Settlemyre of Foresight Engineering for Ed Martin Pontiac.~~

9. Docket No. 04080019 ADLS Amend: Merchants' Square - Wendy's

The applicant seeks approval for a ground sign. The site is located northwest of Keystone and 116th Street. The site is zoned B-8/Business.

Filed by Charles Eitel of National Install, Ltd. for Wendy's.

Charles Eitel of National Install, Columbus, Ohio appeared before the Committee representing Trident Foods, owner of Wendy's franchise for this area. A monument sign is being requested for the Wendy's location in Merchants' Square. At the time 116th Street was widened, the directional signs were removed. Wendy's is requesting a 25 foot monument sign that will comply with setback and height requirements.

The design of the sign is the same as that which is located on Michigan Road. Wendy's does not have a willingness to modify the ground sign to match the signage seen throughout Merchants' Square.

Department Comments, Jon Dobosiewicz: The Department requests denial by the Committee for the petitioner's request. The proposed sign is in addition to the number allowed and would require a variance. A recommendation would be made to the BZA to deny the petitioner's request. Along 116th Street between AAA Way and Keystone Avenue, all of the ground signs are the same style. To introduce the proposed sign would be a deviation from the existing style. However, if we are talking about the sign that Hardee's has, minus the "M" we are there!

Charles Eitel was confident that Wendy's would agree to the rectangular sign minus the "M."

Mark Rattermann moved for approval with modifications to the ground sign that will be in compliance with the signage for Merchants Square (minus the "M") as illustrated by Hardee's signage as shown by the Department. The sign cannot be any larger than 30 square feet—approval is conditioned upon removing the wall sign on the east wall; the motion was seconded by Madeleine Torres and Approved 4-0.

Note: Wayne Haney exited the meeting at this time and did not return.

10. Docket No. 04080020 ADLS Amend: Wendy's

The applicant seeks approval for a wall sign relocation. The site is located southeast of Michigan Rd and 106th Street. The site is zoned B-3/Business within the US 421 Overlay.

Filed by Charles Eitel of National Install, Ltd. for Wendy's.

Charles Eitel of National Install appeared before the Committee representing Trident Foods and Wendy's. Approval is requested to re-locate a wall sign on the Wendy's building at 106th and Michigan Road within the 421 Overlay.

Department Comments, Jon Dobosiewicz: The issue is with the number of signs at this facility. The property has a single frontage and under the Ordinance is permitted one sign. The petitioner was previously granted approval by the Board of Zoning Appeals for three signs: one on the north façade, one on the south façade, and a ground sign in the front. Jon Dobosiewicz suggested removing the ground sign and wall signs on the north and south façade of the building, and put signage on the west façade, period! The petitioner was unwilling to make that request.

Mark Rattermann moved for approval of **Docket No. 04080020 ADLS Amend, Wendy's** on Michigan Road as presented by the petitioner, seconded by Madeleine Torres. The vote was none in favor, 3 opposed, **MOTION DENIED**.

11. Docket No. 04080026 ADLS Amend: Main & Guilford Plaza

The applicant seeks approval for building elevation changes. The site is located at the southwest corner of Main St. and Guilford Rd. The site is zoned OM-MU - Old Meridian- Mixed Use.

Filed by David Cain for Main & Guilford Plaza, LLC.

Joe Peale briefly explained that the footprint of the building expanded at the expense of the small plaza area, not the parking area. The new design adds more windows on the east elevation; the north elevation shows the garage. The roofing shingle is architecturally dimensional with a simulated slate roof, not the flat, monolithic type shingle.

Department Comments: Jon Dobosiewicz reported that changes have been made that were not consistent with the overall plan; the footprint of the building expanded. In effect, the building is the original one approved under the plan.

Mark Rattermann made formal motion to approve Docket No. 04080026 ADLS Amend, Main & Guilford, seconded by Madeleine Torres, Approved 3-0.

Mark Rattermann **amended** his motion for approval **on Docket No. 04080026 ADLS Amend, Main & Guilford, Subject To** allowing the changes as proposed **OR** remaining with the arch-top windows on the Main Street side and the larger areas of storefront display windows, and the metal roof at the petitioner's option, seconded by Madeleine Torres as amended, Approved 3-0.

12. Docket No. 04080045 ADLS Amend: Pizza Hut

The applicant seeks approval for exterior building modifications. The site is located at the northeast corner of Carmel Dr. and Range Line Rd. The site is zoned B-8/Business. Filed by Dave Parnell of the T & W Corporation.

Dave Parnell, T & W Corporation, general contractors, appeared before the Committee on behalf
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of Pizza Hut of America requesting approval for exterior modifications to the building in the form of a color change. The petitioner offered apologies for not requesting approval prior to changing the color of the building.

Department Comments: The Department is in support of the change in the color of the building—the shake roof is still existing.

Mark Rattermann made formal motion to approve **Docket No. 04080045 ADLS Amend, Pizza Hut**, seconded by Madeleine Torres, **Approved 3-0**.

Jon Dobosiewicz gave the Committee a “heads up” on the length of the Agenda for the full Commission meeting in September with a view of scheduling two committee dates for October.

There being no further business to come before the Committee, the meeting was adjourned at 11:25 PM.

Jerry Chomanczuk, Committee Chairperson

Ramona Hancock, Secretary